

REMARKS

This application has been carefully reviewed in view of the above-referenced Office Action, and reconsideration is requested in view of the following remarks. The examiner's continued diligence and efforts in this application are greatly appreciated.

Claim Rejections under 35 U.S.C. 101

Applicant has canceled claims 29-31 without prejudice.

Regarding the Rejections Under 35 U.S.C. §103

Claims 1-14, 16-19, 21-22 and 24-38 are rejected under 35 USC 103(a) as being unpatentable over Demartines et al. (US Patent 6,661,409), hereinafter the '409 reference, in view of Tan et al. (US Patent 5,917,493), hereinafter the '493 reference. Claim 23 is rejected under 35 USC 103(a) as being unpatentable over Demartines et al. (US Patent 6,661,409), hereinafter the '409 reference, in view of Tan et al. (US Patent 5,917,493), hereinafter the '493 reference, and further in view of Kuriyama et al. (US Patent 5,838,302), hereinafter the '302 reference. Applicant respectfully traverses these bases of rejection of the pending claims.

Applicant submits the 1.131 declaration of inventor Giovanni Seni in order to swear behind the '409 reference, having an effective date of February 27, 2003. It is noted that Mr. Seni is a co-inventor of the '409 reference.

The Declaration of Mr. Seni supports Applicant's assertion of conception of the invention prior to the effective date of the '409 reference coupled with due diligence from prior to said date to the filing of the application. The showing of facts accompanying the declaration are believed to be of such character and weight to establish prior invention. A three-page invention disclosure form teaches element contained in the instant claims and further documents various dates of conception including a submitted date of April 17, 2002 and a review date of June 20, 2002, well before the effective date of the '409 reference of February 27, 2003. Moreover, Mr. Seni's declaration provides facts supporting due diligence from at least prior to February 27, 2003 until the filing date of the instant application on June 26, 2003. In no less than 20 document records,

such as electronic mail (email) and fax, are provided as support of due diligence from at least as early as February 26, 2003 to June 26, 2003, the file date of the instant application.

Applicant respectfully submits that the '409 reference has been removed as a valid basis of rejection of the instant claims, whether considered singly or in combination. Reconsideration and allowance of the pending claims is therefore respectfully requested at the Examiner's earlier convenience.

Concluding Remarks

In light of the foregoing reasons, Applicant respectfully asserts that the remaining claims define patentable subject matter over the art of record.

The undersigned additionally notes that other distinctions may exist between the cited art and the claims, and reiterates the distinctions previously discussed in the prior response. In view of the clear distinctions pointed out above, further discussion is believed to be unnecessary at this time. Failure to explicitly address each point raised in the Office Action should accordingly not be viewed as accession to the Examiner's position or an admission of any sort.

In view of this communication, all claims are believed to be in condition for allowance and such is respectfully requested at an early date. If further matters remain to be resolved, the undersigned respectfully requests the courtesy of an interview and may be reached at the telephone number below.

Respectfully submitted,

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